

SECRETARY OF STATE STATE OF INDIANA

For immediate release:
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Contact: Stephanie Mannon
317-232-6587

Gilroy Asks Director of Federal Voting Assistance Program to Declare Emergency

Secretary of State seeks to ease barriers to voting for active military.

Secretary of State Sue Anne Gilroy has requested that the Federal Voting Assistance Program in the Pentagon declare ***Operation Enduring Freedom*** an emergency, thus allowing military and overseas voters involved in the conflict to cast absentee ballots by FAX in the 2002 general election.

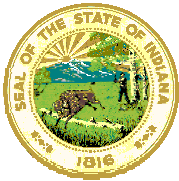
In a letter to P. K. Brunelli, Director of the Federal Voting Assistance Program, Gilroy writes, "Indiana has sent approximately 6,000 of our sons and daughters to participate and defend America's future in Operation Enduring Freedom. While they are working to assure our freedom and rights, we want to assure that theirs are protected, as well."

The FVAP authorization would permit (but not require) county election boards to receive absentee ballots as well as applications from these voters, using security procedures that would be spelled out in the authorization.

In 2002, the Indiana General Assembly enacted legislation that will allow military voters to vote by fax without a declaration of emergency, but the measure will not take effect until January 2003, and will not apply to the November 5, 2002 General Election.

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Copy of letter attached.



SECRETARY OF STATE STATE OF INDIANA

May 20, 2002

P.K. Brunelli, Director
Federal Voting Assistance Program
Department of Defense
Washington, DC 20301-1155

Dear Ms. Brunelli:

Indiana has sent approximately 6,000 of our sons and daughters to participate and defend America's future in **Operation Enduring Freedom**. While they are working to assure our freedom and rights, we want to assure that theirs are protected as well. I am writing to urge that you act in accordance with your authority to enable military voters serving in **Operation Enduring Freedom** to cast their absentee ballots by fax in the November 5, 2002 general election.

In the 1994 and 1996 general elections, the Director of the Federal Voting Assistance Program declared "emergencies", thus allowing military voters to cast ballots by fax.

As you noted in your recent letter, the servicemen and women participating in **Operation Enduring Freedom** deserve all the help we can give so that they may cast their ballots this year.

On March 14, 2002, The Indiana General Assembly, at the urging of the Bipartisan Task Force on Election Integrity, which I chaired, enacted legislation to assist military and overseas voters in this task. Although these changes will not be effective until after the November 5, 2002 general election, I believe it reflects the intent of the Indiana General Assembly to make the absentee ballot process more flexible to accommodate the unique needs of voters who are participating in **Operation Enduring Freedom**, and sets forth some common sense procedures that could be incorporated in a declaration of emergency under the current law.

In addition, I would urge that a declaration of emergency address these points:

- The need for an additional certification by the voter that the individual is a participant in **Operation Enduring Freedom**.
- That participation in this procedure by a county election board is entirely voluntary under the “may” provision in current Indiana law.
- The use of designed FAX numbers supervised by the FVAP in the manner provided in the November 5, 1996 declaration of emergency.

I will request that the Indiana Election Division consult with each county election board to provide them with information and assistance in implementing this procedure for the 2002 election, so that the transmission and receipt of faxed ballots can proceed without confusion.

Thank you for helping us to better serve the men and women who protect our country every day in **Operation Enduring Freedom**.

Sincerely,

A handwritten signature in black ink, reading "Sue Anne Gilroy". The signature is written in a cursive, flowing style.

Sue Anne Gilroy
Secretary of State

attachments

*cc: Colonel Joe Ryan
Indiana Election Division*

IC 3-11-4-6(g)(2) currently provides:

(g) This subsection applies to a county election board that owns or has access to a facsimile (FAX) machine. The county election board may transmit and receive absentee ballots by FAX machine to voters covered under the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973f) under the following circumstances:

- *If an emergency is declared by the presidential designee under the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff).*

Beginning January 1, 2003, IC 3-11-4-6 (g) has been amended to provide that:

(g) The county election board shall transmit and receive absentee ballots by fax to an absent uniformed services voter or an overseas voter at the request of the voter. If the voter wants to submit absentee ballots by fax, the voter must separately sign and date a statement on the cover of the fax transmission that states substantively the following: I understand that by faxing my voted ballot I am voluntarily waiving my right of a secret ballot.

(h) The county election board shall send confirmation to a voter described in subsection (g) that the voter's absentee ballot has been received as follows:

- *If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.*
- *If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.*
- *If the voter does not provide a fax number or electronic mail address, the county election board shall send the confirmation by United States Mail.*

The county election board shall send the confirmation required by the end of the first business day after the county election board receives the voter's absentee ballot. *Indiana House Enrolled Act 1101, Section 51, (Public Law 126-2002)*

